

REMARKS

Claims 1-52 are pending in the Application. Applicants canceled claims 27-39 without prejudice or disclaimer and therefore claims 1-26 and 40-52 are pending. Applicants reserve the right to file a continuation application to capture the subject matter of claim 27-39.

The drawings were objected to because they were submitted to the United States Patent and Trademark Office in informal form. Further, Figure 3 was objected for failing to indicate element 312. Applicants have amended Figure 3 to include a label of 312 as indicated above. Further, Applicants submit herewith formal drawings of Figures 1-5.

The Abstract and Specification was objected for including embedded hyperlinks. Applicants have addressed this objection further below.

Claims 10, 23, 36 and 49 were objected to. Applicants have addressed these objections further below.

Further, Applicants have amended claims 3, 16 and 42 to correct typographical mistakes and not to overcome prior art. Furthermore, Applicants have amended claims 10, 23 and 49 to overcome the Examiner's objection while broadening the scope of the claims. Further, Applicants have amended claim 14 to broaden the scope of the claim and not to overcome prior art. Hence, no prosecution history estoppel arises from the amendments to claims 3, 10, 14, 16, 23, 42 and 49. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-1712 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claims 3, 10, 14, 16, 23, 42 and 49 were not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such amendments. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

Claims 1-2, 4-10, 14-15, 17-23, 27-28, 30-36, 40-41 and 43-49 are rejected under 35 U.S.C. §102(e). Claims 3, 11-13, 16, 24-26, 29, 37-39, 42 and 50-52 are rejected under 35 U.S.C. §103(a). Applicants respectfully traverse these rejections for at least the reasons stated further below and respectfully request that the Examiner reconsider and withdraw these rejections.

I. OBJECTIONS TO THE DRAWINGS:

The Examiner has objected to the drawings for being in an informal format as well as objecting to Figure 3 for failing to identify element 312. Paper No. 3, page 2. Applicants have amended Figure 3 to include a label identifying element 312 as indicated above. Further, Applicants have enclosed herewith formal drawings of Figures 1-5. Applicants respectfully request the Examiner to withdraw the objections to the drawings.

II. OBJECTIONS TO THE SPECIFICATION:

The Examiner has objected to the Abstract and Specification for containing an embedded hyperlink. Paper No. 3, page 3. Applicants have amended the Abstract and the Specification in appropriate locations to remove references to embedded hyperlinks. Applicants did not remove the references to hyperlinks on pages 12-16 of the Specification as Applicants believe they are necessary to be included in the patent application in order to meet the requirements of 35 U.S.C. §112, first paragraph, and therefore do not intend to have those hyperlinks be active links. Applicants respectfully request the Examiner to withdraw the objections to the specification.

III. CLAIM OBJECTIONS:

The Examiner has objected to claims 10, 23, 36 and 49 because the term "first period of time" should be "third period of time" according to the Examiner. Applicants respectfully assert that such an interpretation is not necessarily correct and that Applicants are not limited to such an interpretation. Applicants though deleted the second element in claims 10, 23 and 49 to overcome the objections as well as to

broaden the scope of these claims. Applicants respectfully request the Examiner to withdraw the objections to the claims.

IV. REJECTIONS UNDER 35 U.S.C. §102(b):

The Examiner has rejected claims 1-2, 4-10, 14-15, 17-23, 27-28, 30-36, 40-41 and 43-49 under 35 U.S.C. §102(b) as being anticipated by Kakiuchi et al. (U.S. Patent No. 6,360,267) (hereinafter "Kakiuchi"). Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request the Examiner to reconsider and withdraw these rejections.

For a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation must be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. §2131.

Applicants respectfully assert that Kakiuchi does not disclose "checking status of said first connection by issuing a first request to said Internet gateway to access a web server utilizing a protocol blocked under a logged off status" as recited in claim 1 and similarly in claims 14 and 40. The Examiner cites column 7, lines 43-50 of Kakiuchi as disclosing the above-cited claim limitation. Paper No. 3, page 5. Applicants respectfully traverse and assert that Kakiuchi instead discloses the operation of the MobileSocket of the client computer when using the SEND command. Column 7, lines 34-35. Kakiuchi further discloses that when the gateway is used, a serial number is added to the data to be transferred. Column 7, lines 43-44. Kakiuchi further discloses that the data is compressed, encrypted and stored in a transmission buffer. Column 7, lines 45-46. Kakiuchi further discloses that the MobileSocket requests the BSP to execute the SEND command using the real descriptor which shows the connection between the MobileSocket and the gateway application program and the data to be sent. Column 7, lines 47-50. Kakiuchi further discloses that if a disconnection is detected, the MobileSocket waits for a reconnection after the network monitoring program confirms the disconnection of the telephone network. Column 7, lines 51-54. Hence, Kakiuchi discloses a client computer using the SEND command to specify the connection and data to be sent to

the gateway. However, there is no language in the cited passage that discloses issuing a request to the gateway utilizing a protocol blocked under a logged off status. Thus, Kakiuchi does not disclose all of the limitations of claims 1, 14 and 40, and thus Kakiuchi does not anticipate claims 1, 14 and 40. M.P.E.P. §2131.

Applicants further assert that Kakiuchi does not disclose "determining whether said web server is accessed from said first request" as recited in claim 1 and similarly in claims 14 and 40. The Examiner cites column 4, lines 50-55 and column 5, lines 17-27 of Kakiuchi as disclosing the above-cited claim limitation. Paper No. 3, page 5. Applicants respectfully traverse and assert that Kakiuchi instead discloses that the ACCEPT command is used to request to connect to the apparatus to be communicated with in response to a connection request from the apparatus to be communicated with. Column 4, lines 50-53. Kakiuchi further discloses a procedure that includes (1) issuing the SOCKET command to obtain a descriptor; (2) issuing the ACCEPT command with the designated descriptor to establish a connection with the client application and (3) sending or receiving from the client application data using the SEND command or the RECEIVE command. Column 5, lines 17-25. While the cited passages disclose establishing a connection between a server and a client, the claim language recites "determining whether said web server is accessed from said first request." The first request refers to a request to the Internet gateway to check the status of the connection between a client and Internet gateway. The Examiner had previously cited the SEND command as disclosing the first request. Paper No. 3, page 5. There is no language in the cited passage that discloses determining whether a web server is accessed from the SEND command. Neither is there any language in the cited passage that discloses determining whether a web server is accessed from a request that was issued to the Internet gateway to check the status of the connection between a client and Internet gateway. Thus, Kakiuchi does not disclose all of the limitations of claims 1, 14 and 40, and thus Kakiuchi does not anticipate claims 1, 14 and 40. M.P.E.P. §2131.

Applicants further assert that Kakiuchi does not disclose "automatically attempting to establish a second connection to said Internet gateway if said web

server was not accessed from said first request" as recited in claim 1 and similarly in claims 14 and 40. The Examiner cites column 10, lines 2-17 of Kakiuchi as disclosing the above-cited claim limitation. Paper No. 3, page 5. Applicants respectfully traverse and assert that Kakiuchi instead discloses that a network managing program 103 (in client computer) checks whether an automatic re-connection is designated. Column 10, lines 8-9. Kakiuchi further discloses when the automatic re-connection is designated, the network monitoring program decides whether the quality of the telephone network is good enough to recover the connection. Column 10, lines 9-13. Kakiuchi further discloses that if the quality of the telephone network is good enough to recover the connection, the re-connection procedure is executed. Column 10, lines 13-15. While the cited passages disclose reconnecting a connection by the client if the telephone network is good enough to recover a connection, the claim language recites "automatically attempting to establish a second connection to the Internet gateway if the web server was not accessed from the first request." The first request refers to a request to the Internet gateway to check the status of the connection between a client and Internet gateway. The Examiner had previously cited the SEND command as disclosing the first request. Paper No. 3, page 5. There is no language in the cited passage that discloses determining automatically attempting to establish a second connection to the Internet gateway if the web server was not accessed from the SEND command. Neither is there any language in the cited passage that discloses determining automatically attempting to establish a second connection to the Internet gateway if the web server was not accessed from a request that was issued to the Internet gateway to check the status of the connection between a client and Internet gateway. Thus, Kakiuchi does not disclose all of the limitations of claims 1, 14 and 40, and thus Kakiuchi does not anticipate claims 1, 14 and 40. M.P.E.P. §2131.

Claims 2, 4-10, 15, 17-23, 41 and 43-49 each recite combinations of features including the above combinations, and thus are not anticipated for at least the above-stated reasons. Claims 2, 4-10, 15, 17-23, 41 and 43-49 recite additional features,

which, in combination with the features of the claims upon which they depend, are not anticipated by Kakiuchi.

For example, Kakiuchi does not disclose "wherein if said web server was accessed from said first request, then the method further comprises the steps of: waiting for a first period of time" as recited in claim 2 and similarly in claims 15 and 41. The Examiner cites column 7, lines 13-30 of Kakiuchi as disclosing the above-cited claim limitation. Paper No. 3, page 6. Applicants respectfully traverse and assert that Kakiuchi instead discloses that the MobileSocket requests the BSP to execute the CONNECT command using the real descriptor corresponding to the descriptor designated by the application program. Column 7, lines 15-19. Kakiuchi further discloses that the connection between the MobileSocket and the gateway application program is established. Column 7, lines 21-23. Kakiuchi further discloses that the MobileSocket notifies the IP address of the server computer designated by the client application program, the port number of the server application program and the real descriptor of the connection to the gateway application program. Column 7, lines 24-28. There is no language in the cited passage that discloses waiting a period of time. Neither is there any language in the cited passage that discloses waiting a period of time if the web server was accessed from a request that was issued to the Internet gateway to check the status of the connection between a client and Internet gateway. Thus, Kakiuchi does not disclose all of the limitations of claims 2, 15 and 41, and thus Kakiuchi does not anticipate claims 2, 15 and 41. M.P.E.P. §2131.

Applicants further assert that Kakiuchi does not disclose "wherein if said web server was accessed from said first request, then the method further comprises the steps of: checking status of said first connection by issuing a second request to said Internet gateway to access said web server utilizing said protocol blocked under said logged off status" as recited in claim 2 and similarly in claims 15 and 41. The Examiner cites column 7, lines 43-50 of Kakiuchi as disclosing the above-cited claim limitation. Paper No. 3, page 6. Applicants respectfully traverse and assert that Kakiuchi instead discloses the operation of the MobileSocket of the client computer

when using the SEND command. Column 7, lines 34-35. Kakiuchi further discloses that when the gateway is used, a serial number is added to the data to be transferred. Column 7, lines 43-44. Kakiuchi further discloses that the data is compressed, encrypted and stored in a transmission buffer. Column 7, lines 45-46. Kakiuchi further discloses that the MobileSocket requests the BSP to execute the SEND command using the real descriptor which shows the connection between the MobileSocket and the gateway application program and the data to be sent. Column 7, lines 47-50. Kakiuchi further discloses that if a disconnection is detected, the MobileSocket waits for a reconnection after the network monitoring program confirms the disconnection of the telephone network. Column 7, lines 51-54. Hence, Kakiuchi discloses a client computer using the SEND command to specify the connection and data to be sent to the gateway. However, there is no language in the cited passage that discloses issuing a request to the gateway utilizing a protocol blocked under a logged off status. Neither is there any language in the cited passage that discloses issuing a request to the gateway utilizing a protocol blocked under a logged off status to check the status of a connection. Neither is there any language in the cited passage that discloses issuing a request to the gateway utilizing a protocol blocked under a logged off status to check the status of a connection between the client and the Internet gateway. Neither is there any language in the cited passage that discloses issuing a request to the gateway utilizing a protocol blocked under a logged off status if the web server was accessed from a request that was issued to the Internet gateway to check the status of the connection between a client and Internet gateway. Thus, Kakiuchi does not disclose all of the limitations of claims 2, 15 and 41, and thus Kakiuchi does not anticipate claims 2, 15 and 41. M.P.E.P. §2131.

Applicants further assert that Kakiuchi does not disclose "wherein said first connection is established by a first logon procedure" as recited in claim 4 and similarly in claims 17 and 43. The Examiner cites to element 1308 in Figure 13 and column 7, lines 46-64 of Kakiuchi as disclosing the above-cited claim limitation. Paper No. 3, page 6. Applicants respectfully traverse and assert that Kakiuchi instead discloses that if a disconnection is detected, the MobileSocket waits for a

reconnection after the network monitoring program confirms the disconnection of the telephone network. Column 7, lines 51-54. Kakiuchi further discloses that otherwise, whether the number of the data in the transmission buffer is larger than a predetermined value is determined. Column 7, lines 54-56. Kakiuchi further discloses that if the number of the data in the transmission buffer is larger than the predetermined value, a confirmation request is issued to the gateway application program (step 1308). Column 7, lines 56-59. There is no language in the cited passage that discloses a logon procedure. Neither is there any language in the cited passage that discloses establishing a connection between a client and an Internet gateway by a logon procedure. Thus, Kakiuchi does not disclose all of the limitations of claims 4, 17 and 43, and thus Kakiuchi does not anticipate claims 4, 17 and 43. M.P.E.P. §2131.

Applicants further assert that Kakiuchi does not disclose "terminating said first logon procedure" as recited in claim 5 and similarly in claims 18 and 44. The Examiner cites column 10, lines 4-7 of Kakiuchi as disclosing the above-cited claim limitation. Paper No. 3, page 6. Applicants respectfully traverse and assert that Kakiuchi instead discloses that when the disconnection of the network is detected, the network monitoring program changes the corresponding connection status to disconnection in the connection management table. There is no language in the cited passage that discloses terminating a logon procedure. Instead, the cited passage discloses detecting a disconnection. Thus, Kakiuchi does not disclose all of the limitations of claims 5, 18 and 44, and thus Kakiuchi does not anticipate claims 5, 18 and 44. M.P.E.P. §2131.

Applicants further assert that Kakiuchi does not disclose "executing a second logon procedure" as recited in claim 5 and similarly in claims 18 and 44. The Examiner cites column 10, lines 8-15 of Kakiuchi as disclosing the above-cited claim limitation. Paper No. 3, page 6. Applicants respectfully traverse and assert that Kakiuchi instead discloses that a network managing program 103 (in client computer) checks whether an automatic re-connection is designated. Column 10, lines 8-9. Kakiuchi further discloses when the automatic re-connection is designated, the



network monitoring program decides whether the quality of the telephone network is good enough to recover the connection. Column 10, lines 9-13. Kakiuchi further discloses that if the quality of the telephone network is good enough to recover the connection, the re-connection procedure is executed. Column 10, lines 13-15. There is no language in the cited passage that discloses executing a logon procedure to establish a second connection if the web server was not accessed from a request that was issued to the Internet gateway to check the status of the connection between a client and Internet gateway. Thus, Kakiuchi does not disclose all of the limitations of claims 5, 18 and 44, and thus Kakiuchi does not anticipate claims 5, 18 and 44. M.P.E.P. §2131.

Applicants further assert that Kakiuchi does not disclose "waiting for a first period of time" as recited in claim 6 and similarly in claims 19 and 45. The Examiner cites column 10, lines 4-15 of Kakiuchi as disclosing the above-cited claim limitation. Paper No. 3, page 6. Applicants respectfully traverse and assert that Kakiuchi instead discloses that when the disconnection of the network is detected, the network monitoring program changes the corresponding connection status to disconnected in the connection management table. Column 10, lines 4-7. Kakiuchi further discloses that a network managing program 103 (in client computer) checks whether an automatic re-connection is designated. Column 10, lines 8-9. Kakiuchi further discloses when the automatic re-connection is designated, the network monitoring program decides whether the quality of the telephone network is good enough to recover the connection. Column 10, lines 9-13. Kakiuchi further discloses that if the quality of the telephone network is good enough to recover the connection, the re-connection procedure is executed. Column 10, lines 13-15. There is no language in the cited passage that discloses a waiting for a period of time. Thus, Kakiuchi does not disclose all of the limitations of claims 6, 19 and 45, and thus Kakiuchi does not anticipate claims 6, 19 and 45. M.P.E.P. §2131.

Applicants further assert that Kakiuchi does not disclose "checking status of said attempted second connection by issuing a second request to said Internet gateway to access said web server utilizing said protocol blocked under said logged off status" as recited in claim 7 and similarly in claims 20 and 46. The Examiner cites column

10, lines 38-51 of Kakiuchi as disclosing the above-cited claim limitation. Paper No. 3, page 7. Applicants respectfully traverse and assert that Kakiuchi instead discloses that the real descriptor of the disconnection is replaced by the real descriptor of the new connection in the connection management table. Column 10, lines 38-40. Kakiuchi further discloses that the real descriptor of the new connection, the IP address of the gateway computer and the port number of the re-connection daemon program are designated and the CONNECT command is issued to the BSP to request the connection with the re-connection daemon program. Column 10, lines 41-46. There is no language in the cited passage that discloses checking the status of an attempted second connection. Neither is there any language in the cited passage that discloses checking the status of an attempted second connection by issuing a request to the Internet gateway utilizing the protocol blocked under the logged off status. Thus, Kakiuchi does not disclose all of the limitations of claims 7, 20 and 46, and thus Kakiuchi does not anticipate claims 7, 20 and 46. M.P.E.P. §2131.

Applicants further assert that Kakiuchi does not disclose that "determining whether said web server is accessed from said second request" as recited in claim 8 and similarly in claims 21 and 47. The Examiner cites column 10, lines 47-63 of Kakiuchi as disclosing the above-cited claim limitation. Paper No. 3, page 7. Applicants respectfully traverse and assert that Kakiuchi instead discloses that the Mobile Socket of the client computer and the MobileSocket of the gateway computer can communicate with each other. Column 10, lines 49-51. Kakiuchi further discloses that the re-connection program notifies the data number of the correctly received data to the gateway application program and also receives the data number of the correctly received data from the gateway application program. Column 10, lines 53-57. Kakiuchi further discloses that the data having a number following the data number of the correctly received data stored in the transmission buffer is sent to the gateway application program. Column 10, lines 57-60. There is no language in the cited passage that discloses determining whether a web server is accessed from a request. Neither is there any language in the cited passage that discloses determining whether a web server is accessed from a request where the request is issued to the Internet gateway to check the status of an attempted connection to the Internet

gateway. Thus, Kakiuchi does not disclose all of the limitations of claims 8, 21 and 47, and thus Kakiuchi does not anticipate claims 8, 21 and 47. M.P.E.P. §2131.

Applicants further assert that Kakiuchi does not disclose "waiting for a second period of time, wherein said first period of time is less than said second period of time" as recited in claim 9 and similarly in claims 22 and 48. The Examiner cites column 10, lines 4-15 of Kakiuchi disclosing the above-cited claim limitation. Paper No. 3, page 7. Applicants respectfully traverse and assert that Kakiuchi instead discloses that when the disconnection of the network is detected, the network monitoring program changes the corresponding connection status to disconnected in the connection management table. Column 10, lines 4-7. Kakiuchi further discloses that a network managing program 103 (in client computer) checks whether an automatic re-connection is designated. Column 10, lines 8-9. Kakiuchi further discloses when the automatic re-connection is designated, the network monitoring program decides whether the quality of the telephone network is good enough to recover the connection. Column 10, lines 9-13. Kakiuchi further discloses that if the quality of the telephone network is good enough to recover the connection, the re-connection procedure is executed. Column 10, lines 13-15. There is no language in the cited passage that discloses a waiting for a period of time. Neither is there any language that discloses waiting for a first and a second period of time. Neither is there any language that discloses waiting for a first and a second period of time where the first period of time is less than the second period of time. Thus, Kakiuchi does not disclose all of the limitations of claims 9, 22 and 48, and thus Kakiuchi does not anticipate claims 9, 22 and 48. M.P.E.P. §2131.

Applicants further assert that Kakiuchi does not disclose "checking status of said attempted second connection by issuing a third request to said Internet gateway to access said web server utilizing said protocol blocked under said logged off status" as recited in claim 9 and similarly in claims 22 and 48. The Examiner cites column 10, lines 38-51 of Kakiuchi as disclosing the above-cited claim limitation. Paper No. 3, page 7. Applicants respectfully traverse and assert that Kakiuchi instead discloses that the real descriptor of the disconnection is replaced by the real descriptor of the new connection in the connection management table. Column 10, lines 38-40.

Kakiuchi further discloses that the real descriptor of the new connection, the IP address of the gateway computer and the port number of the re-connection daemon program are designated and the CONNECT command is issued to the BSP to request the connection with the re-connection daemon program. Column 10, lines 41-46. There is no language in the cited passage that discloses checking the status of an attempted second connection. Neither is there any language in the cited passage that discloses checking the status of an attempted second connection by issuing a request to the Internet gateway utilizing the protocol blocked under the logged off status. Thus, Kakiuchi does not disclose all of the limitations of claims 9, 22 and 48, and thus Kakiuchi does not anticipate claims 9, 22 and 48. M.P.E.P. §2131.

Applicants further assert that Kakiuchi does not disclose "automatically attempting to establish a third connection to said Internet gateway" as recited in claim 10 and similarly in claims 23 and 49. The Examiner cites column 10, lines 2-15 of Kakiuchi as disclosing the above-cited claim limitation. Paper No. 3, page 8. Applicants respectfully traverse and assert that Kakiuchi instead discloses that when the disconnection of the network is detected, the network monitoring program changes the corresponding connection status to disconnected in the connection management table. Column 10, lines 4-7. Kakiuchi further discloses that a network managing program 103 (in client computer) checks whether an automatic re-connection is designated. Column 10, lines 8-9. Kakiuchi further discloses when the automatic re-connection is designated, the network monitoring program decides whether the quality of the telephone network is good enough to recover the connection. Column 10, lines 9-13. Kakiuchi further discloses that if the quality of the telephone network is good enough to recover the connection, the re-connection procedure is executed. Column 10, lines 13-15. While Kakiuchi discloses reconnecting a connection, there is no language in the cited passage that discloses automatically attempting to establish a connection to an Internet gateway if the web server was not accessed from a request that was issued to the Internet gateway to check the status of an attempted connection to the Internet gateway. Thus, Kakiuchi does not disclose all of the limitations of claims 10, 23 and 49, and thus Kakiuchi does not anticipate claims 10, 23 and 49. M.P.E.P. §2131.

As a result of the foregoing, Applicants respectfully assert that none each and every claim limitation was found within the Kakiuchi, and thus claims 1-2, 4-10, 14-15, 17-23, 27-28, 30-36, 40-41 and 43-49 are not anticipated by Kakiuchi.

V. REJECTIONS UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER KAKIUCHI IN VIEW OF PERLMAN:

The Examiner has rejected claims 3, 16, 29 and 42 under 35 U.S.C. §103(a) as being unpatentable over Kakiuchi in view of Perlman et al. (U.S. Patent No. 6,308,221) (hereinafter "Perlman"). Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request the Examiner to reconsider and withdraw these rejections.

A. The Examiner has not provided any objective evidence for combining Kakiuchi with Perlman.

A *prima facie* showing of obviousness requires the Examiner to establish, *inter alia*, that the prior art references teach or suggest, either alone or in combination, all of the limitations of the claimed invention, and the Examiner must provide a motivation or suggestion to combine or modify the prior art reference to make the claimed inventions. M.P.E.P. §2142. The showings must be clear and particular and supported by objective evidence. *In re Lee*, 277 F.3d 1338, 1343, 61 U.S.P.Q.2d 1430, 1433-34 (Fed. Cir. 2002); *In re Kotzab*, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000); *In re Dembiczak*, 50 U.S.P.Q.2d. 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence. *Id.*

The Examiner's motivation for modifying Kakiuchi with Perlman to wait for a second period of time, where the second period of time is less than the first period of time, as recited in claim 3 and similarly in claims 16 and 42, is "to speed up the process of wait time when redialing after the first failed connection." Paper No. 3, page 11. The Examiner's motivation is insufficient to support a *prima facie* case of obviousness for at least the reasons stated below.

The Examiner is merely relying upon his own subjective opinion which is insufficient to support a *prima facie* case of obviousness. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). The Examiner must submit objective evidence in support of modifying Kakiuchi with Perlman to wait for a second period of time, where the second period of time is less than the first period of time. There is no suggestion in either Kakiuchi or Perlman to wait for a second period of time, where the second period of time is less than the first period of time. Neither is there any suggestion in either Kakiuchi or Perlman to wait for a second period of time, where the second period of time is less than the first period of time in order to speed up the process of wait time when redialing after the first failed connection (Examiner's motivation). The Examiner has not provided any objective evidence as to the source of the motivation. The Examiner must provide objective evidence as to the source of the motivation in order to establish a *prima facie* case of obviousness. *In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1457-58 (Fed. Cir. 1998). The Examiner is merely relying upon his own subjective opinion which is insufficient to support a *prima facie* case of obviousness. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). Consequently, the Examiner's motivation is insufficient to support a *prima facie* case of obviousness for rejecting claims 3, 16 and 42. *Id.*

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of combining Kakiuchi, which teaches specifying a relay apparatus corresponding to a designated apparatus to be communicated with based on relay definition information which relates information for specifying the apparatus to be communication with to information for specifying the relay apparatus to relay the communication with the apparatus to be communicated with (Abstract of Kakiuchi), with Perlman, which teaches accessing a "White Pages" telephone directory web site on a remote server upon reconnecting to the server whose connection was previously disrupted due to a Call Waiting signal caused by an incoming telephone call (Abstract of Perlman). *Id.* There is no suggestion in Kakiuchi of having a connection disrupted due to a call waiting signal. Neither is there any suggestion in Kakiuchi of having a connection disrupted due to a call

waiting signal caused by an incoming telephone call. Neither is there any suggestion in Kakiuchi of accessing a "White Pages" telephone directory web site on a remote server. Neither is there any suggestion in Kakiuchi of accessing a "White Pages" telephone directory web site on a remote server upon reconnecting to the server. Neither is there any suggestion in Kakiuchi of accessing a "White Pages" telephone directory web site on a remote server upon reconnecting to the server whose connection was previously disrupted due to a Call Waiting signal caused by an incoming telephone call. Since the Examiner has not submitted objective evidence for modifying Kakiuchi with Perlman, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 3, 16 and 42. *Id.*

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Kakiuchi to wait for a second period of time, where the second period of time is less than the first period of time (Examiner admits that Kakiuchi does not teach this limitation). *Id.* There is no suggestion in Kakiuchi of waiting for a period of time. Neither is there any suggestion in Kakiuchi of waiting a first and a second period of time where the second period of time is less than the first period of time. Since the Examiner has not submitted objective evidence for modifying Kakiuchi to wait for a second period of time, where the second period of time is less than the first period of time, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 3, 16 and 42. *Id.*

As a result of the foregoing, Applicant respectfully asserts that the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 3, 16 and 42. M.P.E.P. §2143.

B. Kakiuchi and Perlman, taken singly or in combination, do not teach or suggest the following claim limitations.

Applicants respectfully assert that Kakiuchi and Perlman, taken singly or in combination, do not teach or suggest "waiting for a second period of time, wherein said second period of time is less than said first period of time" as recited in claim 3 and similarly in claims 16 and 42. The Examiner cites to elements 502, 503, 505, 507

in Figure 5 and column 6, lines 2-29 of Perlman as teaching the above-cited claim limitation. Paper No. 3, page 11. Applicants respectfully traverse and assert that Perlman instead teaches that if an interruption in communication is detected by the client while the client is in contact with the WebTV server, then the client saves information describing the current browsing status to memory. Column 6, lines 3-7. Perlman further teaches that once the status information is saved, the client disconnects from the modem pool and waits for a predetermined time interval. Column 6, lines 11-14. Perlman further teaches that at the expiration of the time interval, the client determines whether an incoming call is still being received. Column 6, lines 15-16. Hence, Perlman teaches waiting for a period of time after disconnecting from the modem pool in response to an interruption, such as a Call Waiting signal. There is no language in the cited passage that teaches waiting for two separate periods of times. Neither is there any language in the cited passage that teaches waiting a period of time upon attempting to establish a connection to an Internet gateway if the web server was not accessed by a request utilizing a protocol blocked under a logged off status. Therefore, the Examiner has not presented a *prima facie* case of obviousness since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

VI. REJECTIONS UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER KAKIUCHI:

The Examiner has rejected claims 11-13, 24-26, 37-39 and 50-52 as being unpatentable over Kakiuchi in view of Official Notice. Paper No. 3, page 12. Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request the Examiner to reconsider and withdraw these rejections.

Applicants respectfully assert that Kakiuchi does not teach or suggest "wherein said protocol is a HyperText Transport Protocol" as recited in claim 10 and similarly in claims 24 and 50. Applicants further assert that Kakiuchi does not teach or suggest "wherein said protocol is a file transfer protocol" as recited in claim 11 and similarly in claims 25 and 51. Applicants further assert that Kakiuchi does not teach



or suggest "wherein said protocol is a telnet protocol" as recited in claim 12 and similarly in claims 26 and 52. The Examiner takes Official Notice that these protocols are well known and expected in the art. Applicants traverse the implied assertion that it is well known in the art to check the status of a connection between a client and an Internet gateway by issuing a request to the Internet gateway to access a web server utilizing either the HyperText Transport Protocol, the file transfer protocol or the telnet protocol blocked under a logged off status. Applicants respectfully request the Examiner to submit a reference that teaches to check the status of a connection between a client and an Internet gateway by issuing a request to the Internet gateway to access a web server utilizing either the HyperText Transport Protocol, the file transfer protocol or the telnet protocol blocked under a logged off status, pursuant to M.P.E.P. §2144.03.

Furthermore, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Kakiuchi to check the status of a connection between a client and an Internet gateway by issuing a request to the Internet gateway to access a web server utilizing either the HyperText Transport Protocol, the file transfer protocol or the telnet protocol blocked under a logged off status. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). The Examiner simply states that it would have been obvious to modify Kakiuchi in such a manner without providing any evidence. Paper No. 3, page 12. This is insufficient to support a *prima facie* case of obviousness. Consequently, the Examiner has not provided a *prima facie* case of obviousness in rejecting claims 11-13, 24-26 and 50-52. *Id.*

VII. CONCLUSION

As a result of the foregoing, it is asserted by Applicants that claims 1-26 and 40-52 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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**IN THE DRAWINGS**

Applicants have added label 312 to Figure 3 to indicate a system bus of router 103 (Figure 1). Applicants have attached an annotated sheet of Figure 3 indicating the addition of label 312 to Figure 3. Applicants have further attached a replacement sheet (in formal form) for Figure 3 incorporating the change mentioned above. Applicants further note that replacement sheets for Figures 1-2 and 4-5 (in formal form) have also been attached to replace the previously submitted informal drawings of Figures 1-2 and 4-5.

Attachment: Replacement Sheets  
Annotated Sheet Showing Changes

103

350

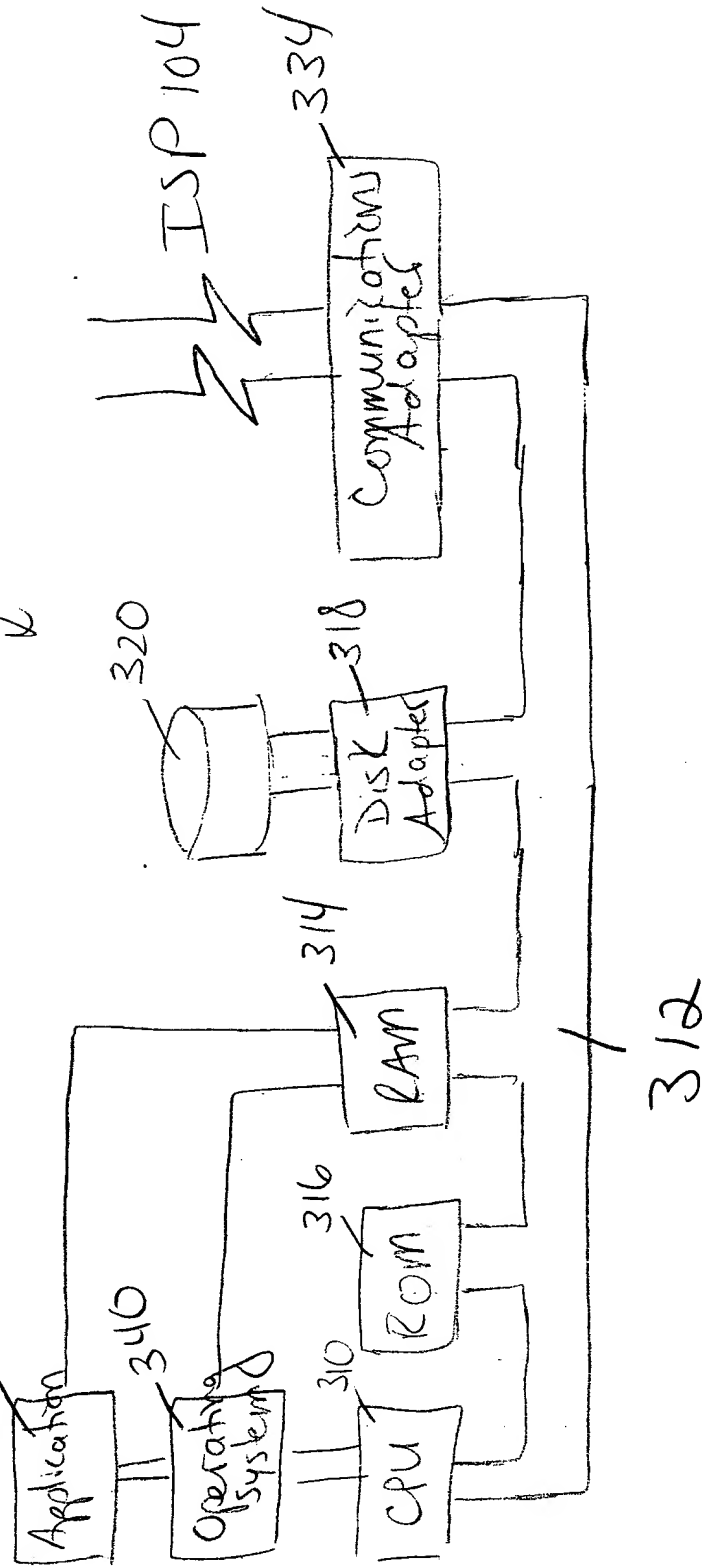


Figure 3